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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/623,263

07/18/2003

Mark Ortega

114638-002

3493

7590

12/13/2004

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EXAMINER

HSIEH, SHIH YUNG

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,263

Applicant(s)

ORTEGA ET AL.

Examiner

Shih-yung Hsieh

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,9-13,16-21 and 24-32 is/are rejected.
- 7) ☒ Claim(s) 2-4,8,14,15,22 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/15/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. Claims 1 and 26 are objected to because of the following informalities: "the cover" lacks antecedent basis in claim 1 and the "can be" in line 5 of claim 26 is indefinite. Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 5-7, 9-13, 16-21, and 24-32 are rejected under 35 U.S.C. 102(a) as being anticipated by rode (6,570,074).

Regarding claims 1 and 12, Rode discloses a drumhead quick disconnect comprising a latch (10, col. 3, line 50); a lever arm (32) that enables a person to move the lever in one direction to place the latch in a locked drumhead tensioning position and to move the lever arm in another direction to release the latch from the locked tensioning position (Figs. 6 and 7); an adjustment device (22, 23) that enables the person to position the latch relative to the cover to vary an amount of force applied by the latch when the latch is in the drumhead tensioning position; and a mount (28) coupled movably to the lever arm, the mount configured and arranged to fasten the latch, lever arm and adjustment device to the drum (Fig. 1).

Regarding claim 5-7, Rode discloses the claimed invention (Fig. 3).

Regarding claims 9-11,13, 16-21, and 24, Rode discloses the claimed invention (Figs. 3 and 6).

Regarding claim 25, Rode discloses the claimed invention (Fig. 1 shows a standing drum).

Regarding claim 26, the method is inherent in the device discloses by Rode including the steps of providing a device that enables a person to move a lever arm in a first direction to release the device from a drumhead tensioning position; and the lever arm can be moved in a second direction to place the device in the drumhead tensioning position.

Regarding claims 27-32, Rode discloses the claimed invention. See above statement addressed to the rejected claims.

4. Claims 2-4, 8, 14-15, and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The claims are allowable over the prior art for at least the reason that the prior art fails to reasonably teach or suggest in claims 2 and 22 that the latch has a hook portion to fasten the latch that loops over and engages a bracket fixed to the drumhead, in claims 4 and 14 that the adjustment device varies a location of the latch relative to a point on the lever arm, in claims 8 and 15 that a nut threaded onto the shaft and a

Art Unit: 2837

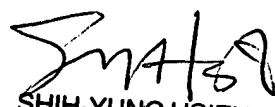
handle/knob for turning the shaft through a fixed female thread as set forth in the claimed combination.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 571-272-2065. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SHIH-YUNG HSIEH
PRIMARY EXAMINER